

**REMARKS**

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 2-8 are pending in this application, with claims 2, 3, and 7 being independent.

***Interview Summary***

Applicant's representative would like to thank the Examiner, Kenny Lin, and the Primary Examiner, Zarni Maung, for the interview that was conducted on April 5, 2004. During the interview, Applicant discussed the prior art rejections and the patentability of the claims in view of the cited prior art. Applicant also proposed minor claim amendment in an effort to clarify the claims. The Examiner stated that these proposed claim amendments overcome the rejection based on the cited prior art of record.

***Drawings***

Applicant respectfully requests that the Examiner indicate in any subsequent Office Action whether or not the drawing that was filed on March 2, 2000, is accepted (see item 10 of the Office Action Summary).

***Claim Rejections Under 35 USC §103***

The Examiner rejected claims 2-8 under 35 USC §103(a) as being

unpatentable over *Dureau et al.* (US 6,118,472) in view of *Gavilan et al.* (Usage of VSAT for TCP/IP based LAN Interconnection, IEEE 1995). This rejection is respectfully traversed insofar as it pertains to presently pending claims.

Independent claims 2, 3, and 7 are directed, generally, to a data transmission system that transmits data to users over a wideband satellite transmission channel. The users request the data by being connected to a base station via a shortwave radio path.

*Dureau et al.* is directed to an apparatus for connectivity between a narrow band network like the Internet and an interactive TV wideband network. *Gavilan* is directed to the usage of VSAT networks for the interconnection of TCP/IP based LANs.

As stated during the interview, Applicants respectfully submit that the cited art fails to teach or suggest at least that users, when making a request, are connected to a base station via a shortwave radio path that operates in a simplex mode of operation. Therefore, the Examiner failed to substantiate a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion of motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings; (2) there must be

a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 48, 20 USPQ2d 1438 (Fed.Cir.1991).

On page 3 of the outstanding Office Action, the Examiner acknowledges that *Dureau et al.* does not teach that users are connected to a base station via a shortwave radio path and cites *Gavilan* for support thereof. Specifically, the Examiner alleges that *Gavilan* teaches in the introduction, conclusion, and the section "electronic Mail" that TCP/IP protocol networks are interconnected via a radio path.

*Gavilan* merely teaches that LAN networks can be connected over a VSAT system, as shown in Fig. 1 of *Gavilan*. This VSAT network, however, does not transmit data by a shortwave radio path, much less a shortwave radio path that operates in a simplex mode of operation. Therefore, the cited references fail to teach or suggest all of the claim features.

Furthermore, there is no motivation to combine *Dureau et al.* with *Gavilan*. In other words, *Dureau et al.* provides absolutely no teaching that data is transmitted via a radio path between the decoder 45 and the gateway 70. In fact, *Dureau et al.* specifically teaches in col. 5, lines 36-38, that "[c]ommunication channel 59 is a low bit rate link utilizing telephone lines as the medium for data transfers between the decoder 45 and the gateway 70." *Dureau*

et al. also further teaches in col. 4, lines 38-40 that the return channel 57 and the communication channel 59 are telephone lines or cable lines.

*Dureau et al.*, however, as stated above, does not provide any teaching that the communication of data between the decoder 45 and the gateway 70 is performed "wirelessly." Thus, one skilled in the art would not look towards *Gavilan* to make up for the deficiencies of *Dureau et al.*

Regarding independent claim 2, as discussed during the interview, neither *Dureau et al.* nor *Gavilan et al.* teach or suggest that requested data is sent to a mailbox in the internet for the users. On page 3 of the Office Action, the Examiner alleges that *Dureau et al.* teaches this feature in col. 7, lines 1-7. Referring again to that cited section, it is merely taught that "[i]ncreased decoder response is achieved by having the popular web pages stored in cache 150."

The cache 150 of *Dureau et al.*, however, is not a mailbox nor is it provided in the Internet. Referring to Figs. 1 and 2 of *Dureau et al.*, it can be clearly seen that the cache 150 is provided in the gateway 70 and not in the Internet 65. Thus, *Dureau et al.* also, in addition to the previous distinctions, fails to teach this feature of independent claim 2.

Dependent claims 4-6 and 8 should be considered allowable at

least for depending from an allowable base claim.

Therefore, in view of the above discussion, Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness, and respectfully request that the Examiner withdraw the rejection and further the claims to issue.

### **Conclusion**

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin R. Geissler (Reg. No. 51,011) at the telephone number below.

Appl. No. 09/486,763

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  : #51,011  
for James T. Eller, Jr., #39,538

JTE/MRG:tm  
4100-0104P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment